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PSCI 330.02: International Human Rights

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**University of Montana
Department of Political Science**

**Political Science 330
International Human Rights
Spring Semester 2012**

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(TR 11-12 & Appt.)**

Course description and objectives

International human rights has emerged as an important area of academic study during the last two decades. Human rights has come to intensely form one of the major points of reference in public policy discourse at local, regional and global levels in the same period. Nevertheless, the question of human rights remains central to the quest for freedom, peace and justice in different parts of the world. The course will examine the conceptual underpinnings of international human rights. It will identify and discuss the various perspectives on human rights, instruments, institutions, mechanisms and procedures. In pursuing the objectives, the course will help in exploring the most recent developments in the field and approaches towards a better protection of human rights globally.

By the end of the course it is expected that participants will be able to

1. understand the concept of international human rights- institutions, mechanisms and procedures
2. be aware of the practices and the gaps in the protection of human rights in different contexts
3. identify challenges to the protection of human rights worldwide, and critically evaluate responses to human rights violations, and explore approaches to make human rights a reality.

Required Reading

1. Thomas Buergenthal, Dinah Shelton, David Stewart. **International Human Rights in Nutshell** (2002, 3rd Ed.)
2. Gareth Evans. **The Responsibility to Protect: Ending Mass Atrocity Once and for All** (2008)

Course Requirement

Class participation and presentations (30%)
Individual Assignments (30%)
Final Exam (40%)

Includes group presentations
Term paper, submit on April 26
End of Semester

Regular class attendance is essential, and students benefit greatly by participating in class discussions actively. Students are expected to submit assignments on the designated dates and delays to submit as per the deadline may lead to reduction of points/results. Course evaluation and final grades will be based on the specific requirements outlined above. Students are also encouraged to use consultation hours for additional questions and discussions.

Course outline and activity schedules

1. Discussion of items in the syllabus and course introduction (24 & 26 Jan)

Buergenthal et al., 'Introduction'

2. Introduction to international human rights/IHR, concepts and definition (31st Jan & 2 Feb)

*Alison Dundes Renteln, 1988, 'the Concept of Human Rights' in *Anthropos*, Vol. 4, No. 6, pp. 343-364, <http://www.jstor.org/stable/pdfplus/40463371.pdf>*

3. Historical development of IHR, area of emphasis since 1948 (7 & 9 Feb)

*Thomas Pogge, 2000, 'the International Significance of Human Rights' in *the Journal of Ethics*, Vol. 4, No. 1, pp. 45-69.
<http://www.jstor.org/stable/25115635?>*

Buergenthal et al, Chapter One, pp. 1-22

4. Theories of human rights and justifications of rights (14 & 16 Feb) & *presentations¹

*Jack Donnelly, 1998 (2nd ed), *International Human Rights: Dilemmas in World Politics*, Westview Press, pp 18-32 (no link?)*

5. The concept of sources and categories of rights (21 & 23 Feb) & *presentations

Buergenthal, Chapter Two, pp 34-69

International Bill of Human Rights-UDHR, ICCPR, ICESCR, and CAT etc

<http://www.ohchr.org> (<http://www.ohchr.org/Documents/Publications/Compilation1.1en.pdf>)

6. Human rights as cross-cutting theme (gender, migrants, HIV Aids victims, environment (28 Feb & 1 March) & *presentations

*Allison Smith-Estelle and Sofia Gruskin, 2003, 'Vulnerability to HIV/STIs among Rural Women from Migrant Communities in Nepal: A Health and Human Rights Framework' in *Reproductive Health Matters*, Vol.11, No. 22, pp. 142-151
<http://www.jstor.org/stable/pdfplus/3776053.pdf>*

¹ * refers to a group presentation of assignments

Bill Derman, Anne Ferguson, 1995, 'Human Rights, Environment, and Development: The Dispossession of Fishing Communities on Lake Malawi' in *Human Ecology*, Vol. 23, No. 2, pp. 125-142
<http://www.jstor.org/stable/4603162?>

7. IHR system, universal and regional (6 & 8 March) & * presentations

Buerghenthal et al., Chapter Two

8. Institutions, procedures, mechanisms, UN (13 March) & *presentations

Buerghenthal et al. Chapter Two

9. Institutions, procedures, mechanisms- AU, OAS, Council of Europe (20 & 22 March) & * presentations

Buerghenthal et al. Chapter Three and Chapter Four

France Viljoen & Lirette Louw, 2007, 'State Compliance with the Recommendations of the African Commission of Human Rights 1994-2004', in *the American Journal of International Law*, Vol. 101, No.1, pp 1-3.

www.jstor.org/stable/4149821

10. Human rights and domestic legal systems in comparative perspective, US & Ethiopia (27 & 29 March) & *presentations

Eric Neumayer, 2005, 'Do International Human Rights Treaties Improve Respect for Human Rights, in *the Journal of Conflict Resolution*, Vol. 49, No. 6, pp. 925-953.

<http://www.jstor.org/stable/pdfplus/30045143.pdf>

Takele Soboka Bulto, 2009, 'the Monist-Dualist Divide and the Supremacy Clause: Revisiting the Status of Human Rights Treaties in Ethiopia' in *Journal of Ethiopian Law*, Vol. 23, No. 1, <http://ssrn.com/abstract=1408842>

Noel T. Dowling, 1946, 'Protection of Human Rights under the United States Constitution' in *the Annals of the American Academy of Political and Social Science*, Vol. 243, pp. 96-100, <http://www.jstor.org/stable/pdfplus/1025061.pdf>

11. Human rights and foreign policy (10 &12 April) & *presentations

Buerghenthal, pp. 298-317

Jack Donnelly, 1998 (2nd ed), *International Human Rights: Dilemmas in World Politics*, Westview Press, pp 86-110.

Richard Youngs, 2003, 'European Approaches to democracy assistance' in *Third World Quarterly*, Vol.24, No.1 127-138, at, [http://www.jstor.org/pss/3993634?](http://www.jstor.org/pss/3993634)

12. Forms of responses to human rights violations (17 & 19 April) & *presentations

Gareth Evans, Part Two

Mark Gibney and Erik Roxstrom, 2001, 'the Status of State Apologie' in *Human Rights Quarterly*, Vol. 23, No. 4 pp. 911-939

<http://www.jstor.org/stable/4489366>

James H. Lebovic, Erik Voeten, 2006, 'The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR' in *International Studies Quarterly*, Vol. 50, No. 4, pp. 861-888, [http://www.jstor.org/stable/4092783?](http://www.jstor.org/stable/4092783)

13. The ICC, and the UN Human Rights Council (24 April) & *presentations

Beate Rudolf, 2000, 'Statute of the International Criminal Court, Decision No. 98-408 DC, 1999 J. O. 1317' in *the American Journal of International Law*, Vol. 94, No. 2, pp. 391-396
<http://www.jstor.org/stable/pdfplus/2555300.pdf>

James Meernik, 2003, 'Victor's Justice or the Law?: Judging and Punishing at the International Criminal Tribunal for the Former Yugoslavia' in *the Journal of Conflict Resolution*, Vol. 47, No. 2, pp. 140-162

<http://www.jstor.org/stable/pdfplus/3176164.pdf>

Rosa Freedman, 2011, 'New Mechanisms of the UN Human Rights Council' in *Netherlands Quarterly of Human Rights*, Vol. 29/3, 289-323

<http://www.corteidh.or.cr/tablas/r26991.pdf>

14. The responsibility to protect revisited (26 April, end of sessions)

Evans, Part I

Carsten Stahn, 2007, 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm' in *the American Journal of International Law*, Vol. 101, No.1, pp. 99-120,
<http://www.jstor.org/stable/10.2307/4149826>

Eric Neumayer, 2005, 'Do International Human Rights Treaties Improve Respect for Human Rights' in *Conflict Resolution*, Vol. 49, No. 6, pp. 925-953,
<http://www.jstor.org/stable/pdfplus/30045143.pdf>

Useful Links for additional information

1. *Office of the Higher Commissioner for Human Rights* (<http://www.ohchr.org/>)
2. *Inter-American Commission of Human Rights* (<http://www.oas.org/en>)
3. *The African Commission of Human and Peoples Rights* (<http://www.achpr.org>)
4. *The Council of Europe* (<http://www.coe.int>)
5. *European Court of Human Rights* (http://www.echr.coe.int/ECHR/homepage_en)
6. *African Court on Human and Peoples Rights* (www.african-court.org/en/)
7. *United Nation's Educational Scientific & Cultural Organizations/UNESCO* (www.unesco.org)
8. *Human Rights Library University of Minnesota* (<http://www1.umn.edu/humanrts/>)
9. *U.S. Department of State (Human Rights Reports)* (<http://www.state.gov/g/drl/rls/hrrpt/>)
10. *Amnesty International* (www.amnesty.org.uk)
11. *Human Rights Watch* (www.hrw.org)
12. *International Labor Organization (Labor Standards)* ([www.ilo.org/global/standards/lang--en/index.htm](http://www.ilo.org/global/standards/lang-en/index.htm))

Note: The reading materials are selected in a way they help students become familiar with literature dealing with international human rights at different times in different contexts. They are kept to the minimum with a view also to allow time for discussions and student presentations on related topics (presentation and assignment topics will be assigned in consultation with the students).

Rules and Regulations: This syllabus provides information and guidance about the Course, and may be subject to some modifications. Rules of academic honesty and code of conduct will apply in case of serious breach of University rules and regulations.